

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**STEPHEN JOHN CASEY, SR.,**

**Petitioner,**

**v.**

**STEVEN O'BRIEN,**

**Respondent.**

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**Civil Action No. 04-11940-PBS**

**RESPONDENT'S MOTION TO IMPOUND TRANSCRIPTS**

Respondent Steven O'Brien (the "Respondent") respectfully moves this Court to issue an Order impounding the following items (collectively, the "Covered Transcripts"), which are relevant to this habeas corpus action by Petitioner Stephen John Casey, Sr. (the "Petitioner"):

- a. Four volumes of transcripts from the October 1999 trial in connection with Commonwealth v. Steven Casey, Case No. 9873-CR-0421 in the Bristol County, Massachusetts, Superior Court, the judgment attacked by the Petitioner in his Habeas Corpus Petition (the "Petition");
- b. The one-volume transcript of the May 23, 2003 hearing on the Petitioner's Motion for a New Trial in the aforementioned Bristol County case; and
- c. The one-volume transcript of the February 25, 2000 in Commonwealth v. Steven J. Casey, Case No. 1998-CR-01379 in the Plymouth County, Massachusetts, Superior Court, in which the Petitioner pled guilty to certain charges.

In support of this Motion, the Respondent states as follows:

1. The conviction attacked in the Petition was based on allegations that the Petitioner sexually abused his child nephew.
2. The transcripts of the Petitioner's October 1999 Bristol County trial and 2000 guilty plea hearing refer to the complaining witness by name and refer to sensitive details concerning the abuse he claimed to have suffered.
3. The transcripts of the Petitioner's October 1999 Bristol County trial and 2000 guilty plea hearing also refer to allegations that the Petitioner sexually abused other individuals when they were minors. The transcripts refer to these individuals by name.
4. Such transcripts were impounded in the Massachusetts state court system. (SJC Docket No. SJC-09187; SJC Docket No. SJC-09212; SJC Docket No. DAR-13946; Appeals Ct. Docket No. 2003-P-1027, true and accurate copies of which are attached to the Respondent's Supplemental Answer, filed herewith.)
5. Also impounded in the state court system was the transcript of the May 23, 2003 hearing on the Petitioner's Motion for a New Trial. (SJC Docket No. SJC-09187; SJC Docket No. SJC-09212; SJC Docket No. DAR-13946; Appeals Ct. Docket No. 2003-P-1027.) While the Respondent has not yet obtained a copy of this transcript, the fact that it was impounded suggests that it too contained identifying and/or sensitive information.
6. Other documents filed in connection with the instant habeas case were not impounded at the state level and have already been redacted of information identifying the complaining witnesses.

7. The Court's allowance of this Motion will protect the privacy of the complaining witnesses in these sensitive cases and serve the interests of justice without prejudicing any party.

WHEREFORE, the Respondent respectfully requests that this Court issue an Order impounding the Covered Transcripts.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ Randall E. Ravitz  
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Dated: April 11, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served on April 11, 2005, by first class mail, postage prepaid, upon:

Stephen John Casey, Sr.  
W-67232  
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P.O. Box 466  
Gardner, MA 01440

pro se

/s/ Randall E. Ravitz  
Randall E. Ravitz